

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

NOV 02 2017

Clerk, U.S. Courts
District Of Montana
Missoula Division

ROBERT WADE DEAN,

Plaintiff,

vs.

C.O. NASH and the MISSOULA
COUNTY DETENTION FACILITY,

Defendants.

CV 17-133-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Order and Findings and Recommendations in this case on September 20, 2017, recommending that this matter be dismissed because Plaintiff Robert Wade Dean (“Dean”) failed to state a federal claim. (Doc. 4 at 9.) Dean did not timely object to the Findings and Recommendations, and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

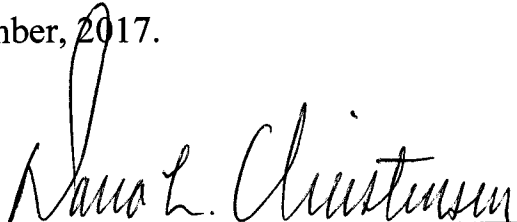
After reviewing the record and finding no clear error,

IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 4) are ADOPTED IN FULL and this matter is DISMISSED.

IT IS FURTHER ORDERED that the Clerk of Court will close this matter and enter judgment in favor of Defendants pursuant to Fed. R. Civ. P. 58.

IT IS FURTHER ORDERED that the Clerk of Court shall ensure that the docket reflects that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. The record is devoid of any arguable substance in law or fact and no reasonable person could suppose an appeal to be meritorious.

DATED this 2nd day of November, 2017.



Dana L. Christensen, Chief Judge
United States District Court